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Summary record of the 22nd meeting
Held at Headquarters, New York, on Wednesday, 23 December 2009, at 11 p.m.

Chairman: Mr. Maurer ..... (Switzerland)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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The meeting was called to order at 1.10 a.m.

Agenda item 132: Proposed programme budget for the biennium 2010-2011 (*continued*)

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1. **The Chairman** drew the Committee's attention to the reports of the Secretary-General contained in documents A/64/576 and A/64/570, which provided information on the revised estimates arising from the effect of changes in rates of exchange and inflation on the proposed programme budget for the biennium 2010-2011 and on the proposed budgets for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively, and to the related report of the Advisory Committee (A/64/7/Add.19).

2. **Mr. Yamazaki** (Controller) said that the reports of the Secretary-General updated the information provided earlier in 2009 to reflect the most recent data on actual inflation, salary surveys, movements in post-adjustment indices in 2009, and the effect of the evolution of operational rates of exchange in 2009 on the proposed programme budget and budgets of the Tribunals for the biennium 2010-2011, and on the relevant addendums and revised estimates. In keeping with past practice, the related recommendations of the Advisory Committee had been taken into account. The amounts in the reports had since been further adjusted in the light of the Advisory Committee recommendations regarding security and the Fifth Committee recommendations regarding the proposed programme budget. The adjustments were reflected in the level of the initial appropriation for the forthcoming biennium to be proposed to the Committee for its consideration at the current meeting.

3. **The Chairman** suggested that the Committee should recommend to the General Assembly that it take note of the revised estimates arising from the effect of changes in rates of exchange and inflation on the proposed programme budget for the biennium 2010-2011 and on the proposed budgets for both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia for the biennium 2010-2011.

4. *It was so decided.*

Draft resolution A/C.5/64/L.13: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

5. *Draft resolution A/C.5/64/L.13 was adopted.*

Draft resolution A/C.5/64/L.14: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

6. *Draft resolution A/C.5/64/L.14 was adopted.*

Agenda item 131: Programme budget for the biennium 2008-2009 (*continued*) (A/C.5/64/L.15 and A/C.5/64/L.16)

Draft resolution A/C.5/64/L.15: After-service health insurance

7. *Draft resolution A/C.5/64/L.15 was adopted.*

Draft resolution A/C.5/64/L.16: Programme budget for the biennium 2008-2009: second performance report

8. *Draft resolution A/C.5/64/L.16 was adopted.*

Agenda item 132: Proposed programme budget for the biennium 2010-2011 (*continued*) (A/C.5/64/14, A/C.5/64/L.17, A/C.5/64/L.18, A/C.5/64/L.19, A/C.5/64/L.20, A/C.5/64/L.21, A/C.5/64/L.22 and A/C.5/64/L.23)

Draft decision A/C.5/64/L.17

A: Programme budget implications of draft resolution A/C.3/64/L.36: Situation of human rights in Myanmar

B: Programme budget implications of draft resolution A/64/L.27: Institutionalization of the Counter-Terrorism Implementation Task Force

C: Programme budget implications of draft resolution A/C.2/64/L.64: Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

D: Programme budget implications of draft resolution A/C.2/64/L.59: Sustainable development: implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development

9. *Draft decision A/C.5/64/L.17 was adopted.*

Draft resolution A/C.5/64/L.18: Questions related to the proposed programme budget for the biennium 2010-2011

10. **Mr.** Manjeev **Puri** (India), speaking in explanation of position, said that India's commitment to human rights could not be doubted. It was a strong supporter of the human rights pillar of the Organization, and its own constitution gave prominence to promoting and protecting such rights. However, it opposed the current draft resolution's use of the issue of human rights to influence human resources management decisions, which were a strictly administrative and budgetary matter. For those reasons, in the recent informal consultations, his delegation had proposed an amendment to the draft resolution in connection with Part VI. Human rights and humanitarian affairs, Section 23, Human Rights, of the proposed programme budget. In so doing, it wished to ensure that the view expressed by the Advisory Committee in paragraph VI.11 of its related report (A/64/7) was noted, and that the post of head of the New York office of the United Nations High Commissioner for Human Rights remained at the D-2 level rather than being raised, as requested in the proposed programme budget, to the level of Assistant Secretary-General. Such a change was unwarranted by current economic circumstances and the functions associated with the post. In connection with the explanation given in paragraph 23.9 of that section that reclassification of the post would enable the Office of the High Commissioner to participate at the appropriate level in executive decision-making forums, his delegation emphasized that the General Assembly was the primary decision-making forum in the field of human rights, and cautioned against any attempt to undermine that role. Reaffirming his delegation's commitment to multilateralism and its awareness of the extreme time pressure facing the Committee, he said that he would confine himself to explaining India's position on the matter, and would not insist that action be taken on its proposed amendment.

Contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/64/14)

11. **Mr. Yamazaki** (Controller), introducing the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/64/14), said that, were the Committee to approve all expenditure detailed in the annex to the report, the charge against the contingency fund would be $5,201,000. Accordingly, the Committee should recommend to the General Assembly that it should note that a balance of $31,331,900 would remain in the fund.

12. **The Chairman** suggested that the Committee should recommend to the General Assembly that it note that a balance of $31,331,900 would remain in the contingency fund.

13. *It was so decided.*

Draft report of the Fifth Committee (A/C.5/64/L.23)

14. **The Chairman** drew attention to the draft report of the Fifth Committee, which described the actions taken by the Committee and also contained its recommendations. He invited the Committee to consider the draft resolutions in section IV.

Draft resolution I: Questions relating to the proposed programme budget for the biennium 2010-2011 (A/C.5/64/L.18)

15. **The Chairman** recalled that draft resolution I had been adopted earlier in the meeting.

Draft resolution II: Proposed programme budget for the biennium 2010-2011 (A/C.5/64/L.19)

16. **The Chairman** drew attention to draft resolution II. Section A dealt with budget appropriations for the biennium 2010-2011, section B with income estimates for the biennium 2010-2011, and section C with financing of appropriations for the year 2010.

17. *Draft resolution II was adopted.*

Draft resolution III: Special subjects relating to the programme budget for the biennium 2010-2011 (A/C.5/64/L.20)

18. **Ms. Davidovich** (Israel), referring to the draft resolution's endorsement of the conclusions and recommendations made by the Advisory Committee in its report A/64/7/Add.3 and to the approval of additional requirements connected with the implementation of resolution S-9/1, adopted by the Human Rights Council at its ninth special session, said that her delegation wished to request a recorded vote on section V of that draft resolution. While it valued the consensus-based decision making of the Committee, a professional and technical body, it found itself, as a matter of principle, unable to support any expenditure or allocation of funds, even if already undertaken, that permitted or endorsed the work of any fact-finding mission established with predetermined conclusions.

19. *At the request of the representative of Israel, a recorded vote was taken on section V of draft resolution III.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Guatemala, Israel.

Abstaining:

Benin, Cameroon, Côte d'Ivoire.

20. *Section V of draft resolution III was adopted by 136 votes to 2, with 3 abstentions.**

21. **Mr. Melrose** (United States of America) said that his delegation's vote in favour of section V of draft resolution III, which allocated funds for many activities which the United States of America supported, in no way indicated a change in its well-known position on the United Nations Fact Finding Mission on the Gaza Conflict, for which funds had already been disbursed, or an endorsement of that Mission's mandate or report.

22. *Draft resolution III as a whole was adopted.*

* The delegation of Guatemala subsequently informed the Committee that it had intended to vote in favour of section V of the draft resolution.

Draft resolution IV: Unforeseen and extraordinary expenses for the biennium 2010-2011 (A/C.5/64/L.21)

23. *Draft resolution IV was adopted.*

Draft resolution V: Working capital fund for the biennium 2010-2011 (A/C.5/64/L.22)

24. *Draft resolution V was adopted.*

25. **The Chairman** invited the Committee to adopt the draft report contained in document A/C.5/64/L.23.

26. *The draft report of the Fifth Committee was adopted.*

Agenda item 136: Scale of assessments for the apportionment of the expenses of the United Nations (*continued*) (A/C.5/64/L.24)

27. **Mr. Chumakov** (Russian Federation) said that, in spite of considerable effort on the part of his and other delegations, it had proven impossible to achieve consensus on the draft resolution in question, which failed to take account the primary concerns of the Russian Federation, Azerbaijan, Belarus, Kazakhstan, Ukraine and other States regarding the application of price-adjusted rates of exchange (PAREs) for the conversion into United States dollars of data expressed in national currencies. The failure to use PAREs, which were an integral part of the existing scale methodology, had led to a considerable upward distortion of the assessments of States whose national currencies had experienced wide fluctuations and undergone substantial revaluation in the period of several preceding years used to calculate the scale.

28. Accordingly, the Russian Federation wished to draw the attention of the Committee to the document containing its draft amendment 1, relating to paragraph 6 of the draft resolution, which established the scale of assessments for the contributions of Member States to the regular budget of the United Nations for 2010, 2011 and 2012. The draft amendment applied the existing methodology in its entirety, including PAREs, and took into account additional considerations put forward in favour of developing countries by the Russian Federation.

29. **Ms. Aitimova** (Kazakhstan) said that her delegation was one of those concerned by the scale of assessments appearing in paragraph 6 of the draft resolution. She found it difficult to understand why the Committee on Contributions had decided in favour of such an unjust method of calculation for the 11 countries identified for review as outlined in paragraph 67 of its report (A/64/11), despite its lack of unanimity and its contradictory reasoning on the issue. The economic situation of those 11 countries had continued to worsen. Kazakhstan paid its assessed contributions in full early on in each year, and in addition disbursed voluntary contributions, but might soon be forced to consider paying only its assessed contributions. In such a situation, the developing countries would suffer. For the reasons she had described, Kazakhstan supported the amendment proposed by the Russian Federation.

30. **Mr. Sumi** (Japan) said that the agreement to apply the current methodology for the calculation of the scale of assessments for the forthcoming three years, pending an urgent review, should not be altered. While that agreement was the product of compromise, it reflected a balance of benefit for all. With regard to the amendment proposed by the Russian Federation, his delegation believed that the Fifth Committee should not override the majority view of the Committee on Contributions. To do so would call into question the usefulness of an expert body of the Organization. For the reasons he had explained, his delegation opposed the proposed amendment and wished to call for a recorded vote on it.

31. **Mr. Tsymbaliuk** (Ukraine), speaking in explanation of vote before the voting, said that he had little to add to the views expressed by the representatives of Kazakhstan and the Russian Federation except to emphasize that his delegation had been proceeding from the assumption that each and every element of the current scale methodology would be applied. Price-adjusted rates of exchange (PAREs) were one of those elements. Throughout the discussion of the scale of assessments, delegations had called for a fair, equitable and balanced methodology, and some had called for a review in order to adapt it further to the current situation. However, striving for a better-balanced methodology was all too often equated with striving to pay less. His delegation supported the amendment proposed by the Russian Federation out of a desire for a fair methodology, rather than because Ukraine would gain from an amended scale, as the benefit to it would in fact be small.

32. **Ms. Hakansson** (Sweden), speaking on behalf of the European Union in explanation of vote before the voting, expressed disappointment that the Russian Federation had chosen to pursue in a formal meeting of

the Fifth Committee an issue which had not gathered a consensus in informal consultations. Throughout the discussion of the scale of assessments for the regular budget, the European Union had made clear its position that the current methodology failed to reflect accurately and fairly the Member States' collective ownership of the Organization or their capacity to pay. The General Assembly had recognized that situation. The European Union believed that the Organization's proper operation demanded a more balanced way to share budgetary responsibility. Its own aggregated contribution to the regular budget, amounting to 40 per cent, far exceeded its aggregated gross national income, at 30 per cent. Apportionment of the expenses of the Organization should be backed by the broadest possible consensus of the membership but should also be sustainable for the Member States paying the largest share of contributions. The European Union hoped that the process which would be set in motion under the terms of the draft resolution would make the scale of assessments for the regular budget fairer and more equitable.

33. *At the request of the representative of Japan, a recorded vote was taken on the oral amendment to paragraph 6 of draft resolution A/C.5/64/L.24, submitted by the representative of the Russian Federation.*

In favour:

Armenia, Azerbaijan, Belarus, Cambodia, China, Cuba, Ecuador, Georgia, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Mongolia, Myanmar, Nicaragua, Qatar, Russian Federation, Serbia, Syrian Arab Republic, Tajikistan, Ukraine, Venezuela (Bolivarian Republic of), Viet Nam.

Against:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Montenegro, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saint Lucia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zimbabwe.

Abstaining:

Algeria, Brazil, Brunei Darussalam, Cameroon, Colombia, Congo, Côte d'Ivoire, Dominica, Dominican Republic, Egypt, Guyana, India, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritius, Morocco, Oman, Peru, Saudi Arabia, Togo, Tunisia, United Arab Emirates, Yemen.

34. *The oral amendment to paragraph 6 of draft resolution A/C.5/64/L.24 was rejected by 85 votes to 22, with 27 abstentions.*

35. **Mr. Chumakov** (Russian Federation) said that his delegation had elected not to request a recorded vote on the draft resolution as a whole. However, it wished to recall that the draft resolution had not been adopted by consensus and regretted that the Committee had broken with its usual practice.

36. **Mr. Tsymbaliuk** (Ukraine) said that, as he had explained earlier in the meeting, his delegation had a particular position on certain parts of the draft resolution. It had therefore not joined the consensus on it.

37. **Mr. Yaroshevich** (Belarus) said that, for the first time in many years, the draft resolution on the scale of assessments contained wording with which many delegations were unable to agree. That set a dangerous precedent for the Committee and the Organization by going against the traditional spirit of partnership and empathy. The draft resolution had been based on recommendations of the Committee on Contributions which in some cases were methodologically unsound and gave rise to suspicions of political bias damaging to the interests of entire regions whose vulnerable economies were developing or were in transition.

38. Price-adjusted rates of exchange (PAREs) should have been used for the conversion into United States dollars of data expressed in national currencies in the case of countries whose market exchange rate (MER)

valuation index was much greater than the established threshold. The delegation of Belarus, and other like-minded delegations, thought it right and fair to substitute PAREs for MERs in such cases, as the use of the latter could cause excessive income fluctuations and distortions for States whose national currencies had been undervalued and overvalued. It was regrettable that that substitution had not been made.

39. While individual Member States might have saved a little as a result of the scale contained in the draft resolution, the Organization had lost a lot in terms of mutual trust and sense of solidarity by failing to listen to the well-founded and impartial proposals of Azerbaijan, Belarus, Kazakhstan, the Russian Federation and Ukraine.

40. *Draft resolution A/C.5/64/L.24 as a whole was adopted.*

Agenda item 145: Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations (*continued*) (A/C.5/64/L.25)

41. **The Chairman** said that, as an exceptional measure, the Bahamas and Bahrain would be treated as being in level C for the purposes of the peacekeeping scale for the period 2010-2012.

42. *Draft decision A/C.5/64/L.25 was adopted.*

43. **Ms. Bethel** (Bahamas) said that her delegation wished to express appreciation for the support given to the Bahamas and Bahrain in their efforts to be placed in level C of the peacekeeping scale. The Bahamas was committed to continuing to work with the Committee to develop scales of assessment which would meet the needs of the Organization but also provide for the fair and just apportionment of expenses among Member States, based on their capacity to pay and on differentiated sharing of the burden between developed and developing countries.

44. **Ms. Hakansson** (Sweden), speaking on behalf of the European Union, expressed the hope that ongoing discussions on the peacekeeping scale would result in objective and transparent criteria for assigning Member States to their respective levels. As the Committee had been unable to reach a common understanding in that regard, the European Union, in a spirit of compromise, had accepted the existing proposal and looked forward to the future review of the scale.

Agenda item 130: Review of the efficiency and administrative and financial functioning of the United Nations (*continued*)

Questions deferred for future consideration (A/C.5/64/L.26)

Draft decision A/C.5/64/L.26: Questions deferred for future consideration

45. *Draft decision A/C.5/64/L.26 was adopted.*

Closure of the work of the Fifth Committee during the main part of the sixty-fourth session of the General Assembly

46. **Mr. Abelian** (Secretary of the Committee) expressed the Committee's best wishes to Mr. Paul Dysenchuk, who was leaving its secretariat after many years.

47. **The Chairman** declared that the Fifth Committee had completed its work at the main part of the sixty-fourth session of the General Assembly.

The meeting rose at 2.20 a.m.